

Resolution No.: 17-730
Introduced: April 30, 2013
Adopted: April 30, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: DOT Docket No. AB734
Abandonment – Congressional Parkway No. 2
Bradley Farms Subdivision, Potomac

Background

1. By letter dated May 14, 2012 from Mr. Henry J. Bartelloni of the Fernandez Group on behalf of 9001 Congressional Parkway LLC and Mr. and Mrs. Jeong Kim, the Applicants, a request was made for Montgomery County to abandon an unimproved portion of Congressional Parkway 35 feet wide by 968 feet in length.
2. A Public Hearing to consider the abandonment proposal was held on October 17, 2012 by the designee of the County Executive.
3. Verizon has facilities, both buried and aerial, and therefore, requires easements or at Applicants' sole expense move the facilities and grant easements.
4. Washington Gas might have facilities and therefore, requires the Applicants to notify "Miss Utility" and to use caution in the event of any excavation.
5. Washington Suburban Sanitary Commission did not respond within 60 days and therefore, concurrence is presumed.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Montgomery County Planning Board had no objection to the proposed abandonment.
9. The Department of Transportation (DOT) recommended approval conditioned upon: a) the area to be abandoned be reduced to 30-feet rather than 35-feet as requested by the Applicants; b) the Applicants must grant easements to the County for the maintenance of storm drainage facilities and public utilities affected and/or relocate these facilities and grant easements, as applicable; and c) the Applicants must file a new record plat incorporating the former portion of the right-of-way into the Applicants' lots.

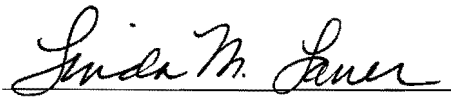
10. The Department of Fire and Rescue Services did not object provided that sufficient fire department vehicular access would be maintained and that in any associated development plan Applicants must provide code compliant access approved by the Montgomery County Office of the Fire Marshall.
11. The County Executive recommends approval of the proposed abandonment.

Action

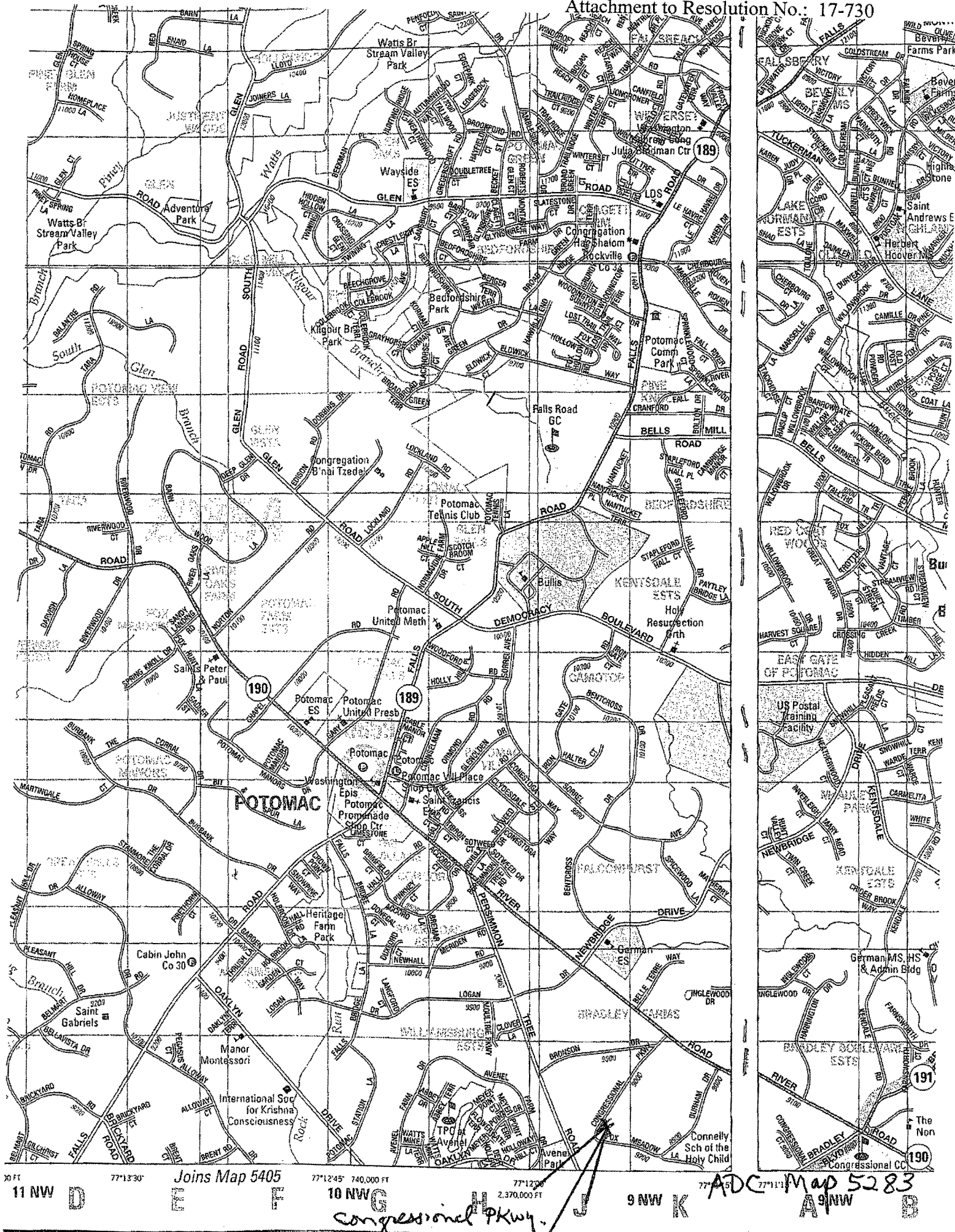
The County Council for Montgomery County, Maryland, finds that a portion of Congressional Parkway 30 feet in width by the length of the front lot lines of 9001 Congressional Parkway (Lot 9 Block 6) and 9011 Congressional Parkway (Lot 8 Block 6) in the Bradley Farms Subdivision of Potomac proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicants' sole cost and expense prior to the abandonment becoming effective:

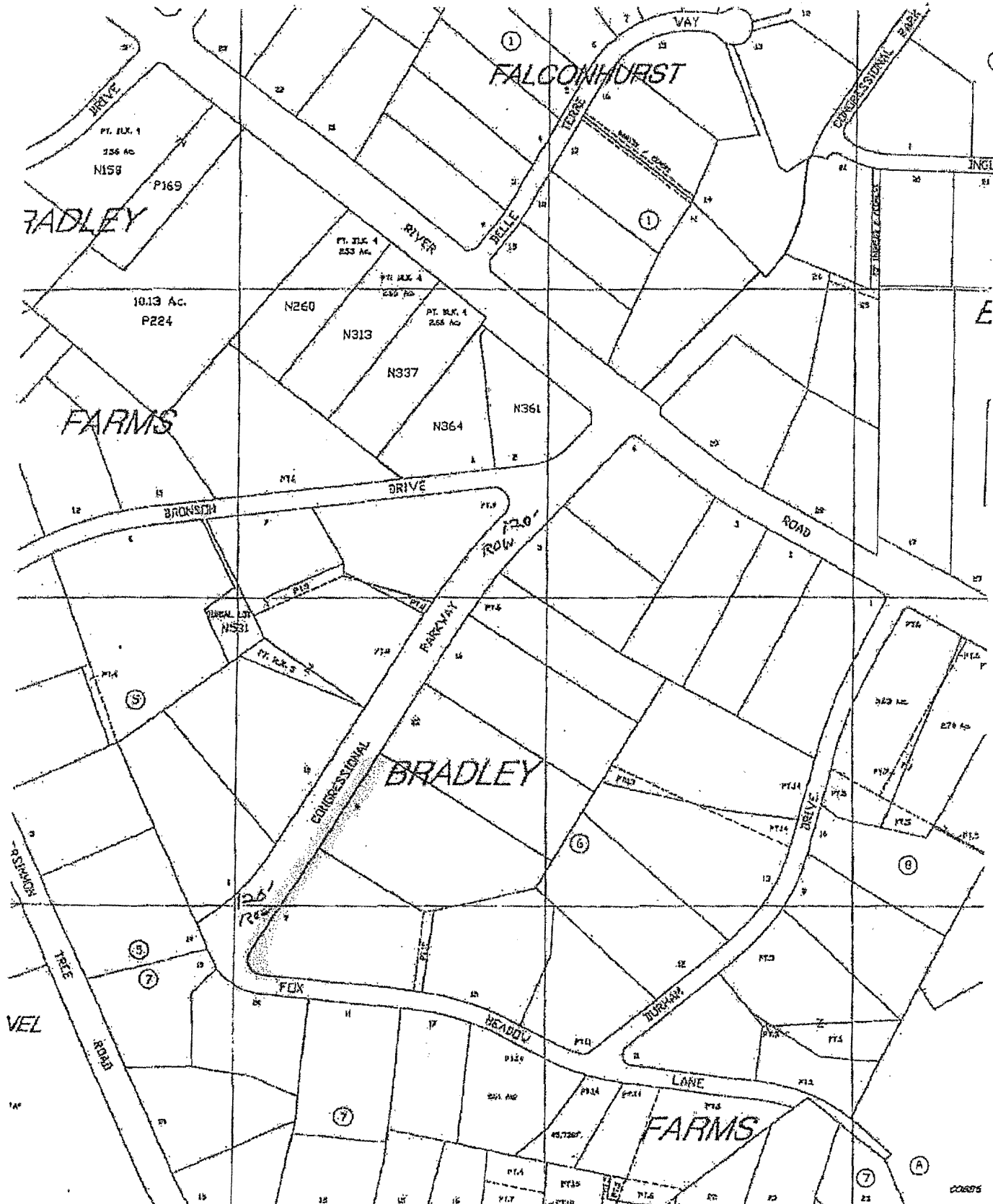
1. The Applicants must grant easements to the County for the maintenance of storm drainage facilities and public utilities affected, and/or relocate these facilities and grant easements, as applicable;
2. The Applicants must file a new record plat incorporating the former portion of the right-of-way into Applicants' lots; and
3. The Applicants must meet all other requirements of the Montgomery County Department of Fire and Rescue Services, as applicable.
4. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
5. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

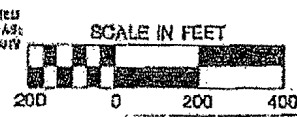




Tax Map FP 51 F 5

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MARYLAND DEPARTMENT OF PLANNING PROPERTY MAPPING SECTION This information is derived from the best available data and is not a warranty of accuracy. It is provided for informational purposes only and should not be used for legal or financial purposes.		DATE 10/1/90	BY J.E.	SCALE 1" = 100' (1:2400)
REVISED TO 10/1/90	BY J.E.	DATE 10/1/90	BY J.E.	SCALE 1" = 100' (1:2400)